

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Luis FRANCESCHY-Robles,

Defendant

Magistrate Docket No. 08 MJ 0955

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

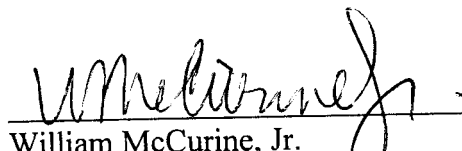
On or about **March 26, 2008** within the Southern District of California, defendant, **Jose Luis FRANCESCHY-Robles**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28<sup>th</sup>** DAY OF **MARCH 2008**.




William McCurine, Jr.  
UNITED STATES MAGISTRATE JUDGE

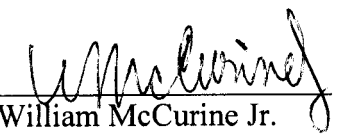
**CONTINUATION OF COMPLAINT:****Jose Luis FRANCESCHY Robles****PROBABLE CAUSE STATEMENT**

On March 26, 2008, at approximately 4:45 p.m., Border Patrol Agent G. Harkins responded to a sensor intrusion device approximately fifty yards north of the United States/Mexico Border and approximately five miles west of the San Ysidro, California Port of Entry.

Upon arriving in the area, Agent Harkins observed a group of suspected illegal aliens attempting to hide. Agent Harkins approached the group of suspected illegal aliens and identified himself as a Border Patrol Agent. Agent Harkins questioned all four individuals as to their citizenship and immigration status, including one later identified as the defendant **Jose Luis FRANCESCHY-Robles**. All four admitted to being a citizens and nationals of Mexico without any immigration documents to enter or remain in the United States legally. All four individuals were placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 12, 2008** through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

  
James Trombley  
Senior Patrol Agent

  
William McCurine Jr.  
U.S. Magistrate Judge

3/28/08 1224hrs  
Date/Time